

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

LIPINE FAAFIU,
Defendant.

Case No. [17-cr-00231-WHA-1](#) (JSC)

ORDER OF DETENTION

On April 17, 2018, Defendant Lipine Faafiu was sentenced to 48 months imprisonment following his conviction under 18 U.S.C. § 922(g). On June 22, 2020, the district court granted Mr. Faafiu's motion for compassionate release. (Dkt. No. 75.) As a condition of his supervised release, he was ordered, among other things, to not associate with any member of the Tre-4 gang, to remain employed, to be monitored by location monitoring technology and only allowed to leave his residence for employment, education, medical treatment and the like as pre-approved by probation. (Dkt. No. 82.) On October 29, 2021, Probation filed a Form 12 charging Mr. Faafiu with violation of the terms of his supervised release and after the Form 12 was amended the district court issued an arrest warrant. (Dkt. Nos. 84, 85, 87, 88.) Mr. Faafiu made an initial appearance before the undersigned Magistrate Judge on the Form 12 on November 4, 2021 and appeared this Court on November 9, 2021 for a detention hearing. Federal Public Defender Elisse Larouche represented Mr. Faafiu at both hearings. Following the detention hearing, the Court ordered Mr. Faafiu detained. This Order supplements the findings made on the record at the detention hearing.

Because Defendant is charged with a supervised release violation, Defendant bears the burden of establishing that he is not a flight risk or a danger to the community by clear and

1 convincing evidence. Fed. R. Civ. P. 32.1(a)(6); 18 U.S.C. § 3143. He has not met his burden.
2 According to Probation, Mr. Faafiu quit his job months ago, and rather than advise Probation as
3 required by the terms of his supervised release, he deceived Probation into believing he was still
4 employed, including by regularly requesting and receiving permission to leave his residence for
5 employment when in fact he had no employment. This months-long deception alone precludes
6 Mr. Faafiu from meeting his burden. In addition, however, in October 2021, on one of the
7 occasions when he lied to Probation about having to leave his residence for work, he attended the
8 funeral of a murdered Tre-4 gang member, thus apparently violating another condition of his
9 supervised release as well as engaging in very dangerous behavior.

10 The Court thus finds that Mr. Faafiu has not shown by clear and convincing evidence that
11 he is not a danger to the community or that he is not a risk of nonappearance. Mr. Faafiu shall
12 therefore remain remanded to the custody of the United States Marshal.

13 **IT IS SO ORDERED.**

14 Dated: November 16, 2021

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16 JACQUELINE SCOTT CORLEY
17 United States Magistrate Judge
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